

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TONYA CLAY, et al.,)	CASE NO. 1:18-CV-02929
)	
Plaintiffs,)	JUDGE SOLOMON OLIVER
)	
vs.)	
)	
CUYAHOGA COUNTY, et al.,)	STIPULATED PROTECTIVE ORDER
)	
Defendants.)	

The parties to this Stipulated Protective Order have agreed to the terms of this Order; accordingly, it is ORDERED:

1. Scope. Identifying inmate information contained in the Report of Joint Technical Expert Martin Horn, dated July 14, 2022 (“Joint Expert Report”), shall be subject to this Order as set forth below. The purpose of this Stipulated Protective Order is to protect the identity of inmates who were guaranteed confidentiality when they agreed to provide information to expert Martin Horn during his review of the Cuyahoga County Corrections Center.

2. Protection of Confidential Material. Appendices A, B, and C of the Joint Expert Report (pgs. 104-173) shall not be used or disclosed by the parties, counsel for the parties, or any other persons for any purpose whatsoever other than to prepare for and to conduct discovery and trial in this action [adversary proceeding], including any appeal thereof.

3. Filing of Documents Under Seal. Absent a statute or an order of this Court, documents may not be filed under seal. *See L.R.5.2; Electronic Filing Policies and Procedures Manual Section 16.* Neither this Stipulated Protective Order nor any other sealing order constitutes blanket authority

to file entire documents under seal. Only confidential portions of relevant documents are subject to sealing. To the extent that a brief, memorandum or pleading references the Joint Expert Report, then a party may timely move the Court for leave to file both a redacted version for the public docket and an unredacted version for sealing.

Absent a court-granted exception based upon extraordinary circumstances, all filings made under seal shall be submitted electronically and shall be linked to this Stipulated Protective Order or other relevant authorizing order. If both redacted and unredacted versions are being submitted for filing, each version shall be clearly named so there is no confusion as to why there are two entries on the docket for the same filing.

If the Court has granted an exception to electronic filing, a sealed filing shall be placed in a sealed envelope marked “CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER.” The sealed envelope shall display the case name and number, a designation as to what the document is, the name of the party on whose behalf it is submitted, and the name of the attorney who has filed the sealed document. A copy of this Stipulated Protective Order, or other relevant authorizing order, shall be included in the sealed envelope.

4. Obligations on Conclusion of Litigation.

(a) Order Remains in Effect. This Order shall remain in force after dismissal or entry of final judgment not subject to further appeal.

(b) Return of Documents Filed under Seal. After dismissal or entry of final judgment not subject to further appeal, the Clerk may elect to return to counsel for the parties or, after notice, destroy documents filed or offered at trial under seal or otherwise restricted by the Court as to disclosure.

5. Order Subject to Modification. This Order shall be subject to modification by the Court on its own motion or on motion of a party or any other person with standing concerning the subject matter. Motions to modify this Order shall be served and filed under Local Rule 7.1 and the presiding judge's standing orders or other relevant orders.

6. No Prior Judicial Determination. This Order is entered based on the representations and agreements of the parties and for the purpose of maintaining confidentiality of Cuyahoga County Corrections Center inmates. Nothing herein shall be construed or presented as a judicial determination that Appendices A, B, and C of the Joint Expert Report are subject to protection under Rule 26(c) of the Federal Rules of Civil Procedure or otherwise until such time as the Court may rule on a specific document or issue.

7. Persons Bound. This Order shall take effect when entered and shall be binding upon all counsel and their law firms, the parties, and persons made subject to this Order by its terms.

So Ordered.

**Honorable Judge Solomon Oliver
U.S. District Court Northern District of Ohio**

Stipulated and Approved by:

/s/ Sarah Gelsomino

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**FORM PROTECTIVE ORDER
ATTACHMENT A**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

Plaintiff)
)
)
)
)
)
Defendant)

**ACKNOWLEDGMENT
AND
AGREEMENT TO BE BOUND**

The undersigned hereby acknowledges that he/she has read the Protective Order dated

_____ in the above-captioned action and attached hereto, understands the terms thereof, and agrees to be bound by its terms. The undersigned submits to the jurisdiction of the United States District Court for the Northern District of Ohio in matters relating to the Protective Order and understands that the terms of the Protective Order obligate him/her to Appendices A, B, and C of the Joint Expert Report in accordance with the Order solely for the purposes of the above-captioned action, and not to disclose any such documents or information derived directly therefrom to any other person, firm or concern.

The undersigned acknowledges that violation of the Protective Order may result in penalties for contempt of court.

Name: _____

Job Title: _____

Employer: _____

Business Address: _____

Date: _____

Signature